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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,855	08/29/2003	Kyung-Hun Jang	249 / 397	7411

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EXAMINER	
TAYLOR, NICHOLAS R	
ART UNIT	**PAPER NUMBER**
2141	

MAIL DATE	DELIVERY MODE
06/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/650,855	JANG ET AL.	
	Examiner	Art Unit	
	Nicholas R. Taylor	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,15 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,15 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/28/04, 11/16/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election of Group I in the reply filed on May 14th, 2007, is acknowledged. Applicant stated that the election was made with traverse, but because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, claims 5-14 and 16 are withdrawn. Pending claims 1-4, 15, and 17-20 have been examined and are rejected.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (U.S. PGPub 2003/0198184).

5. As per claims 1 and 3, Huang teaches an open-source method for controlling a multimedia data generation rate, comprising:

(a) generating multimedia data in real time according to a current multimedia data generation rate and transmitting the multimedia data; (Huang, paragraphs 0013,

(b) receiving transmission buffer, through which the multimedia data is transmitted, state information and a multimedia data loss rate during the transmission of the multimedia data; (Huang, e.g., paragraphs 0020-0021 and fig. 2)

(c) calculating a multimedia data generation rate based on the transmission buffer state information and the multimedia data loss rate; and (d) generating multimedia data in real-time according to the calculated multimedia data generation rate and transmitting the generated multimedia data (Huang, paragraphs 0023-0026 where the data generation rate is calculated both on buffer state information and data loss rate).

6. As per claims 2 and 4, Huang teaches the system further wherein (c) comprises:

(c1) receiving the transmission buffer state information and the multimedia data loss rate; (Huang, e.g., paragraphs 0020-0021 and fig. 2)

(c2) calculating a multimedia data generation rate based on the transmission buffer state information, by lowering a current multimedia data generation rate when the

transmission buffer state information indicates that a large amount of standby multimedia data exists in the transmission buffer or the multimedia data loss rate is high or increasing the current multimedia data generation rate when the transmission buffer state information indicates that a small amount of standby multimedia data exists in the transmission buffer or the multimedia data loss rate is low; and (c3) transmitting the calculated multimedia data generation rate to a data generator (Huang, paragraphs 0023-0026 where the data generation rate is calculated both on buffer state information and data loss rate, then increased or lowered based on the indication).

7. As per claim 15, Huang teaches the system further including a computer-readable recording medium on which a program enabling the method of claim 1 is recorded (Huang, paragraphs 0013-0015).

8. As per claim 17, Huang a method for controlling a multimedia data generation rate, comprising:

determining a current wireless channel state; and (Huang, e.g., paragraphs 0020-0021 and 0023; see fig. 2).

generating multimedia data in real time according to a calculated multimedia data generation rate and transmitting the generated multimedia data, wherein: when the current wireless channel state is variable, calculating the multimedia data generation rate based on transmission buffer state information and multimedia data loss rate, and

(Huang, paragraphs 0023-0026 where the data generation rate is calculated both on buffer state information and data loss rate)

otherwise, calculating the multimedia data generation rate based on a permissible polling cycle and packet length (Huang, e.g., paragraphs 0020-0021 and fig. 2, where if no variability is detected the rate is not adapted).

9. As per claim 18, Huang teaches the system further wherein calculating the multimedia data generation rate based on transmission buffer state information and multimedia data loss rate comprises:

generating multimedia data in real time according to a current multimedia data generation rate and transmitting the multimedia data; and (Huang, paragraphs 0023-0026)

receiving the transmission buffer, through which the multimedia data is transmitted, state information and the multimedia data loss rate during the transmission of the multimedia data (Huang, e.g., paragraphs 0020-0021 and fig. 2).

10. As per claim 19, Huang teaches the system further wherein calculating the multimedia data generation rate based on a permissible polling cycle and packet length comprises: receiving the current multimedia data generation rate; and receiving the permissible polling cycle and packet length (Huang, e.g., paragraphs 0020-0021 and fig. 2).

11. As per claim 20, Huang teaches the system further wherein receiving the permissible polling cycle and packet length includes receiving from an access point (Huang, paragraphs 0019-0020 and fig. 1).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes:

U.S. Patent No. 6,845,106, which describes a method for calculating shared medium access priority based on data transmission loss rates;

U.S. PGPub 2006/0153202, which describes a method of transmission rate modification based on data loss in an IP network; and

U.S. PGPub 2005/0265246, which describes a method of traffic prioritization based on loss rate and traffic type.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT 6-1-07

Nicholas Taylor
Examiner
Art Unit 2141

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